

## EMPOWERING BUPDA REFORM ACCESS IN THE MANAGEMENT OF VILLAGE LAND ASSETS IN SESETAN VILLAGE

<sup>1</sup>I Wayan Kartika Jaya UTAMA, <sup>2</sup>Made WIRYANI, <sup>3</sup>Wayan ARTANAYA, <sup>4</sup>I Wayan SUARJANA, <sup>5</sup>I Made Aditya Mantara PUTRA

<sup>1,2,3,4,5</sup> Faculty of Law, Warmadewa University, Indonesia

Corresponding author: I Wayan Kartika Jaya Utama

Email: [utama.kartikajaya@gmail.com](mailto:utama.kartikajaya@gmail.com)

Received: 2022-01-05

Revised: 2022-02-15

Accepted: 2022-03-18

### Article History:

Volume: 1

Number: 1

Page: 44-48

### Abstract:

This research was preceded by the aim of identifying and analyzing access to BUPDA reform for the empowerment of village land asset management in Sasetan village for the formation of customary BUPDA so that it can prosper its krama Potential has not been optimally utilized for funds to support Tri Hita Karana activities in Indigenous Villages. The professionalism of human resources has not been optimal for managing potential. It was identified that there was a need for funds for indigenous villages to preserve customs and culture based on the teachings of Hinduism, which had increased, not optimally managing the potential of palemahan professionally for their welfare. The needs analysis aims to overcome problems in the empowerment of the Sasetan indigenous village for interest and overcome unemployment by implementing modern management with the establishment of business units and the appointment of pedalling as well as the application of information and communication technology as a medium of communication with stakeholders. The empowerment of indigenous villages will be achieved if participation and a shared commitment to make changes for the better. Potential is empowered through education and human resources training as an element driving the change.

**Keywords:** Access Reform, BUPDA, Land.

Cite this as: UTAMA, I.W.K.J., WIRYANI, M., ARTANAYA, W., SUARJANA, I.W., PUTRA, I.M.A.M. (2022) "Empowering Bupda Reform Access in the Management of Village Land Assets in Sasetan Village" Protection: Journal of Land and Environmental Law, 1 (1), 44-48.



Copyright (c) 2022 by Author(s).

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License.

## INTRODUCTION

As we know that the Indonesian state is a country consisting of various tribes, religions and customs that vary from Sabang to Merauke (Utama, 2022). Such businesses are very different from each other. Since this country proclaimed its independence, Indonesia was formed into a unitary state by having a legal system that applies nationally. The legal system is one of the tools for the integration of this nation.

Facts show that the turmoil caused by the economic crisis caused by the prolonged pandemic is a mismanagement of the economy of the New Order government. The problem occurred due to the breakdown of economic pillars in banking, monetary policy, and high foreign debt loans. That is, the policies made by the government are one-sided in nature and only benefit a group of entrepreneurs (prominent business actors) by ignoring the interests of another group of entrepreneurs (small and medium enterprises). In other words, it can be said that during the new

order period, there was a condition of unfair economic activity between business actors. Therefore, the existence of Law No. 5 of 1999, which carries the principles of "economic democracy" and "balance", has caused millions of hopes for business actors and levels of society. Namely, the realization of business activities conducive to the creation of fair competition through increasing the effectiveness and efficiency of the business encourages Indonesia's economic development. Thus, seeing the current reality, Law Number 5 of 1999 is expected to be able to function optimally to restore and build the Indonesian economy.

Efforts to alleviate poverty and improve people's welfare are not always the government's responsibility alone, but they should be the responsibility of all levels of society. Harmonious cooperation between the government as providers of funds and facilities should be supported by the active participation of all underprivileged communities, which are the target of efforts to improve the welfare of these communities.

The government's programs to overcome poverty and improve community welfare will not run and succeed well without awareness, support and active participation from all levels of society. Therefore, the will and hard work of the community, especially the poor, will be the key to the success of these programs. This is also supported by the opinion that "increasing community participation and empowerment, initiatives, innovation and empowerment of rural communities to realize community welfare" (Dana & Suprpta, 2019). The active participation of the community, accompanied by guidance and assistance provided by the government, will make these poverty alleviation programs will be able to run well. In the end, efforts to improve people's welfare can be achieved, and the Indonesian people are free from poverty.

Traditional Villages are not just a social system for the Balinese people; more than that, They are the Balinese people themselves. The traditions, culture, and customs of the Balinese people that make Bali known and loved by the world grow and develop within the Traditional Village. Therefore, Bali without a Traditional Village is not Balinese. Given the importance of the existence and role of Indigenous Villages for the Balinese people, Governor Koster is committed to maintaining and strengthening the presence of Indigenous Villages, one of which is by making Indigenous Villages one of the pillars of his development programs.

The Customary Village, as a unit of the indigenous law community based on the Tri Hita Karana philosophy rooted in the local wisdom of Sad Kerthi, imbued with the teachings of Hinduism and cultural values and local knowledge living in Bali, has a massive role in the development of society, nation, and state so that it needs to be nurtured, protected, fostered, developed, and empowered to realize the life of Krama Bali which is politically sovereign, economically independent, and culturally personal. For this reason, after the issuance of Pergub No. 99 of 2018 concerning the marketing and utilization of Bali's agricultural, fishery and local industrial products, the Governor of Bali said that his party would organize the marketing of local products from upstream to downstream, one of which was through Baga Utsaha Padruwen Desa Adat (BUPDA) established the establishment and management of the Utsaha Unit of the Customary Village Market, which was intended as a customary village business directed at economic efforts to encourage and accommodate all activities management of the potential of indigenous villages to improve the standard of living of indigenous villages based on Tri Hita Karana. Furthermore, the BUPDA management directly responsible for the management of BUPDA is the Sesetan Traditional Village krama, which is now appointed by bendesa desa adat.

## METHOD

This research belongs to the Empires type of legal research (Reza Banakar & Max Traves, 2005). It is based on examining the law, not only as a passive norm but as law and regulation in its implementation, commonly called non-doctrinal research or socio-legal (Soekanto, 2008). This is

based on the idea that this research makes a concept of Empowerment of Reform Access in the development of BUPDA in the wewidangan of Sasetan indigenous villages in the development of reform access to the management of indigenous village wewidangan assets, which the philosophical Tri Hita Karana initiates, analytical and philosophical critical with conclusions aimed at producing new findings as an answer to the main problem that has been determined. It will also be analyzed using a descriptive-analytical method by describing the prevailing laws and regulations related to legal theory and positive law enforcement practices related to these problems.

## RESULTS AND DISCUSSION

Bali is one of the provinces in Indonesia known to the world with its nickname, the island of the gods, which is located between the islands of Java and the island of Lombok. Bali Province is divided into eight regencies and one intermediate city, which is the capital city of Denpasar City. In 8 regencies and one central city, there were 1,456 traditional villages, where the ancestral villages were managed and empowered according to the ability of their prajuru (administrators). One of the traditional villages is the Sasetan Traditional Village in Denpasar. The characteristics of the Sasetan Traditional village have an area of 739 hectares. The Sasetan Customary village is the most extensive customary village area when compared to the size of other indigenous villages in Denpasar City. Therefore, conducting in-depth studies and research on empowering BUPDA Reform Access in Village Land Asset Management is necessary. Especially in the aspect of tourism. This is because Bali has become one of the wealthiest regions in Indonesia. In 2003, about 80% of Bali's economy depended on tourism. At the end of June 2011, non-performing loans from all banks in Bali were 2.23%, lower than the Indonesian banking industry's average non-performing loan of around 5% (Wikipedia, 2022). This also impacts the economic development of the Indigenous Village community, especially in the Sasetan Traditional Village, so they continue to take the profession as tourism actors.

Traditional villages, which are traditional social institutions, are social groupings based on territorial unity marked as they reside within the same area, have tasks in mutual aid activities and carry out duties of *pasukadukaan*. There are also other genealogical groupings such as the so-called singular *kawitan*, singular refutation, and social grouping called *sisya* which is based on who is the leader in a religious ceremony. The traditional institution was very functional for efforts to preserve and harmonize Balinese culture, which was built on the basis of the conception of Tri Hita Karana. Tri Hita Karana, the concept of cosmology and is a philosophy of life that has survived to this day even though in the social concept of ever-dynamic change (Utama et al., 2021)

As an area, Sasetan Traditional Village certainly has territorial boundaries that mark the territory. The edges are as follows.

- 1) North = Dauh Puri Kelod Village, West Denpasar District
- 2) South = Badung Strait
- 3) West = Pedungan Village, South Denpasar District
- 4) East = Sidakarya Village, South Denpasar District.

The boundaries are marked by village poultice markers established in customary law agreements in *awig-awig* and village monographs. Through the village boundary, Sasetan residents can manage the village and its residents well, both *krama arep* residents and *krama tamiyu* residents or migrants living in the Sasetan area (Bendesa Pakraman Sasetan, 2022)

Based on information from Bendesa Adat Sasetan, there are the following things that can be identified as the main things, namely:

- a) The need for indigenous village funds to preserve customs and culture based on the teachings of Hinduism must be maintained, and the number has increased.



- b) The suboptimal management of the existing palemahan potential for the welfare of the krama (the community).
- c) Other resources owned are quite a lot but still, need to be managed professionally.

So far, the two traditional villages have always played a role in subsidizing their manners, ceremonial activities and physical and non-physical development, such as financing ritual activities by Banjar. The pattern of subsidies is carried out as agreed in the village paruman, but the guidelines are not yet in place and are incidental. On the other hand, this traditional and cultural activity is an attraction and uniqueness for the tourism industry that is not owned by other tourist destinations in Indonesia and even throughout the world. There are businesses in indigenous villages, such as the Village Credit Institute (LPD), as one of the economic businesses that support financing in indigenous villages. However, on the other hand, there are still businesses carried out by members of traditional villages (banjars) who carry out business without a business license (such as savings and loans). There is rarely intensive communication with this activity, but if there is a problem in the future, indigenous villages will be involved.

There is a neglect of activities not carried out by indigenous villages but by rogue krama/banjars, such as over-contracting business to third parties without notification to traditional towns and violations of land use by applicable regulations, such as the use of beaches for business. Parking management opportunities are not optimal, even though the income from this sector is quite large and job opportunities for village residents. Coordination with official village elements such as the Community Empowerment Institute (LPM) needs to be intensified.

Many entertainment venues sometimes interfere with cramping activities, both nightlife and daytime activities (such as discotheques, tourist shopping places, motorcycle parking on the sidewalk and car parking on road markings). Other potential resource empowerment needs attention, including the potential of beaches, seas and land. If this potential is worked on professionally, it also maintains environmental sustainability in addition to getting income. Likewise, the empowerment of pecalang as an indigenous village institution in the field of security and order. Pecalang, until now, is immensely respected by the surrounding community because it carries a social mission in the area of security and demand as part of educating the public.

**Ocean Potential.** The sea is a place to depend on life for some of the people who are around it as a rich zone to develop. Limited both facilities and technology, human resources, and sea exploration for the prosperity of the community cannot be carried out optimally. The potential that can be done and developed as one of the suppliers of village income is:

- a) Emergency docking, refers to the length of work on the ship and maintaining the cleanliness of the special area provided for the docking.
- b) Boat parking, without considering its weight, use a monthly parking system.
- c) "Mooring" levy (buoys for mooring ships), carried out by flattening every month, so as not to trouble the business owner. The same method is also done for water sports activities.

**Basic Potential.** In addition to the potential mentioned above, the land potential is also very promising. The land potential that can be developed is Laundry. So for that use, public roads as business access will be subject to a special levy for entrepreneurs whose amount is adjusted to the type and size of the business being run.

The levy determination is determined by inviting employers who park: there is no denying that parking is a soft land to boost the village's income. Parking can be divided into two categories, namely:

1. Existing parking with a profit-sharing pattern
2. A traditional village fully manages parking that does not have a manager.

Other resources need to be managed more professionally because the comfort and safety of visitors to the tourist area need this. With the improvement of knowledge and the skills of the

manager, both in terms of operations and managerial, as well as the use of information and communication technology, will be able to increase revenue.

The organizational structure used by the two indigenous villages is a line organization while still using tri hita karana elements in the implementation of their organization. Therefore, the purpose of this organization is to maintain the customs and culture in Bali.

## CONCLUSIONS

The empowerment of access to reform of sesetan traditional villages can be carried out through the stages of identifying and analyzing the need for funds for indigenous villages, a series of customary and cultural preservation based on the fertility of indigenous peoples that must be maintained. The number is likely to increase, not optimal management of palemahan potential, and the need for professional management of other resources for the welfare of their (community), which aims to address problems in the empowerment of indigenous villages aimed at welfare and addressing unemployment. This is done by implementing modern management with the establishment of business units, the assignment of pecalang, and the application of information and communication technology as a communication medium with stakeholders.

## REFERENCE

- Dana, P. M., & Suprpta, I. N. (2019). Implementasi Kebijakan Dana Desa dalam Pengembangan Potensi Desa di Desa Pegadungan Kecamatan Sukasada Kabupaten Buleleng. *Locus Majalah Ilmiah FIA*, 11(2), 83-92. <https://ejournal.unipas.ac.id/index.php/LOCUS/article/view/282/279>
- Banakar, R., & Travers, M. (Eds.). (2005). *Theory and method in socio-legal research*. Bloomsbury Publishing.
- Soekanto, S. (2008). Pengantar Penelitian Hukum. Jakarta: Universitas Indonesia Press.
- Utama, I. W. K. J., Warka, M., Setyajie, S., & Budiarsih. (2021). The Philosophy of Tri Hita Karana in Land Procurement. *NVEO: Natural Volatiles & Essential Oils*, 8(6), 1428-1437. <https://www.nveo.org/index.php/journal/article/view/3795>
- Utama, I, W, K, J. (2022). Empowerment of BUPDA Reform Access in Village Land Asset Management in Bali. *Jurnal Notariil*, 7 (1), 9-12. <https://doi.org/10.22225/jn.7.1.2022.9-12>